

Senate Government Operations Committee

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 0260

House Bill No. 0117

by deleting all the language following the enacting clause and by substituting instead the following language:

Section 1.

(a) Tennessee Code Annotated, Title 68, is amended by inserting Sections 1(b) through 6 of this act as a new, appropriately designated chapter.

(b) The Act shall be known as, and may be cited as, "The Child Fatality Review and Prevention Act of 1995".

(c) There is hereby created the Tennessee child fatality prevention team, otherwise known as the state team. For administrative purposes only, the state team shall be attached to the department of health.

(d) The state team shall be composed as provided herein. Any ex-officio member, other than the commissioner of health, may designate an agency representative to serve in his or her place. Members of the state team shall be as follows:

- (1) The commissioner of health, who shall chair the state team;
- (2) The attorney general and reporter;
- (3) The commissioner of human services;
- (4) The director of the bureau of investigation;
- (5) A physician nominated by the state chapter of the American Medical Association;

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(6) A physician to be appointed by the commissioner of health who is credentialed in forensic pathology, preferably with experience in pediatric forensic pathology;

(7) The commissioner of mental health and mental retardation;

(8) A member of the judiciary selected from a list submitted by the chief justice of the state supreme court;

(9) The executive director of the commission on children and youth;

(10) The president of the state professional society on the abuse of children;

(11) A team coordinator, to be appointed by the commissioner of health;

(12) The chair of the select committee on children and youth;

(13) Two (2) members of the house of representatives to be appointed by the speaker of the house at least one (1) of whom shall be a member of the house health and human resources committee; and

(14) Two (2) senators to be appointed by the speaker of the senate at least one (1) of whom shall be a member of the senate general welfare, health and human resources committee.

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(e) All members of the state team shall be voting members. All vacancies shall be filled by the appointing or designating authority in accordance with the requirements of subsection (d).

Section 2. The state child fatality prevention team shall:

(a) Review reports from the local child fatality review teams;

(b) Report to the governor and the general assembly concerning the state team's activities and its recommendations for changes to any law, rule, and policy that would promote the safety and well-being of children;

(c) Undertake annual statistical studies of the incidence and causes of child fatalities in this state. The studies shall include an analysis of community and public and private agency involvement with the decedents and their families prior to and subsequent to the deaths;

(d) Provide training and written materials to the local teams established by this article to assist them in carrying out their duties. Such written materials may include model protocols for the operation of local teams;

(e) Develop a protocol for the collection of data regarding child deaths;

(f) Upon request of a local team, provide technical assistance to such team, including the authorization of another medical or legal opinion on a particular death;

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(g) Periodically assess the operations of child fatality prevention efforts and make recommendations for changes as needed.

Section 3.

(a) There shall be a minimum of one local team in each judicial district;

(b) Each local team shall include the following statutory members or their designees;

(1) A supervisor of social services in the department of human services within the area served by the team;

(2) The regional health officer in the department of health in the area served by the team or his designee, who shall serve as interim chair pending the election by the local team;

(3) A medical examiner who provides services in the area served by the team;

(4) A prosecuting attorney appointed by the district attorney general;

(5) The interim chair of the local team shall appoint the following members to the local team:

(A) a local law enforcement officer

(B) a mental health professional

(C) a pediatrician or family practice physician

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(D) an emergency medical service provider or firefighter

(E) a representative from a juvenile court

(c) Each local child fatality team may include representatives of public and nonpublic agencies in the community that provide services to children and their families;

(d) The local team may include non-statutory members to assist them in carrying out their duties. Vacancies on a local team shall be filled by the original appointing authority;

(e) Local child fatality review teams shall elect a member to serve as chair;

(f) The chair of each local team shall schedule the time and place of the first meeting, and shall prepare the agenda. Thereafter the team shall meet no less often than once per quarter and often enough to allow adequate review of the cases meeting the criteria for review.

Section 4.

(a) The local child fatality review teams shall:

(1) Be established to cover each judicial district in the state;

(2) Review, in accordance with the procedures established by the state team, all deaths of children 17 years of age or younger;

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(3) Collect data according to the protocol developed by the state

team;

(4) Submit data on child deaths quarterly to the state team;

(5) Submit annually to the state team recommendations, if any,
and advocate for system improvements and resources where gaps and
deficiencies may exist;

(6) Participate in training provided by the state team.

(b) Nothing in this act shall preclude a local team from providing
consultation to any team member conducting an investigation.

(c) Local child fatality review teams may request a second medical or
legal opinion to be authorized by the state team in the event that a majority of the
local team's statutory membership is in agreement that a second opinion is
needed.

Section 5.

(a) The local team shall have access to and subpoena power to obtain all
medical records and records maintained by any state, county or local agency,
including, but not limited to, police investigations data, medical examiner
investigative data and social services records, as necessary to complete the
review of a specific fatality.

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(b) The local team shall not, as part of the review authorized under this act, contact, question or interview the parent of the deceased child or any other family member of the child whose death is being reviewed.

(c) The local team may request that persons with direct knowledge of circumstances surrounding a particular fatality provide the local team with information necessary to complete the review of the particular fatality; such persons may include the person or persons who first responded to a report concerning the child.

(d) Meetings of the child fatality prevention team and each local child fatality team shall not be subject to the provisions of Tennessee Code Annotated, Title 8, Chapter 44, Part 1. Any minutes or other information generated during official meetings of state or local teams shall be sealed from public inspection. However, the state and local teams may periodically make available, in a general manner not revealing confidential information about children and families, the aggregate findings of their reviews and their recommendations for preventive actions.

(e) All otherwise confidential information and records acquired by the Tennessee child fatality prevention team or any local child fatality review team in the exercise of the duties are confidential; are not subject to discovery or

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introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the state team or local teams.

In addition, all otherwise confidential information and records created by a local team in the exercise of its duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the state or local teams. Release to the public or the news media of information discussed at official meetings is strictly prohibited. No member of the state team, a local team nor any person who attends an official meeting of the state team or a local team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meeting.

The subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.

(f) Each statutory member of a local child fatality review team and each non-statutory member of a local team and each person otherwise attending a meeting of a local child fatality review team shall sign a statement indicating an understanding of and adherence to confidentiality requirements, including the possible civil or criminal consequences of any breach of confidentiality.

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Section 6. To the extent of funds available, the state team may hire staff or consultants to assist the state team and local teams in completing their duties.

Section 7. For purposes of appointments, organization and rulemaking, this act shall take effect on becoming law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 1996.